

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SAI KIM,

Plaintiff,

NOTICE OF REMOVAL

- against -

HILTON HOTELS CORPORATION,
HILTON GARDEN INN, INC.

Defendants

07 CIV 4696

JUDGE CASTEL

TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC., a non-entity, respectfully request removal of the within action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, and respectfully show this Honorable Court:

FIRST: HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC. are defendants in a civil action brought against them in the Supreme Court of the State of New York, County of New York, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
SAI KIM,

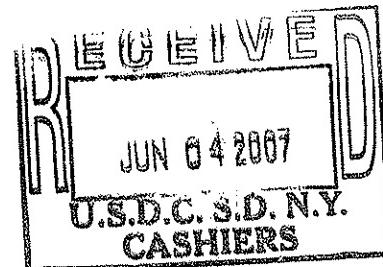
Plaintiff,

Index No. 105971/07

- against -

HILTON HOTELS CORPORATION,
HILTON GARDEN INN, INC.

Defendants



A copy of the Summons and Complaint and Affidavit regarding service in that action are annexed hereto, and constitute all process, pleadings and other papers allegedly served upon defendant HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC.

SECOND: This action was purportedly commenced by service of a copy of the Summons and Complaint at the office of the Secretary of State of New York, in Albany, New York, on May 3, 2007 and by transmittal to HILTON HOTELS CORPORATION in Memphis, Tennessee via certified mail. (See copy of Affidavit regarding service, and copy of Certified Mail receipt annexed to the Summons and Complaint). The Summons and Complaint were received at HILTON HOTELS CORPORATION in Memphis, Tennessee on May 7, 2007.

THIRD: HILTON HOTELS CORPORATION is a Delaware corporation with its principal place of business in Beverly Hills, California.

FOURTH: HILTON GARDEN INN, INC. is a non-entity.

FIFTH: In the above described action, plaintiff SAI KIM alleges that she was and still is a resident of the State of New York. Plaintiff further alleges that on March 26, 2007 she checked into room 336 of the Hilton Garden Inn in Columbus, Ohio and after a two nights stay discovered that she had received bed-bug bites, incurred expenses as a direct result of exposure to bed bugs and was left physically scarred and emotionally damaged and that these consequences were a direct result of defendants negligence. According to the Complaint the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, in that plaintiff alleges that she has been damaged at minimum in the amount of FIVE MILLION DOLLARS (\$5,0000,000.00).

SIXTH: The within action is one of which this Court has original jurisdiction of plaintiff's claims by virtue of 28 U.S.C. §1332 , and is one which may be removed to this court by defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC. pursuant to 28 U.S.C. §1441, in that plaintiff was at the time the above described action was commenced, and still is, a citizen and resident of the State of New York, and defendant HILTON HOTELS CORPORATION was at the time the above described action was commenced, and still is, a Delaware corporation with its principal place of business in Beverly Hills, California, and defendant HILTON GARDEN INN, INC. was and remains a non-entity.

WHEREFORE, defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC. pray that this action be removed to the United States District Court for the Southern District of New York and that this case proceed in this Court as a properly removed cause, and that defendant HILTON HOTELS CORPORATION have such other, further and different relief as to this Court may seem just and proper.

Dated: New York, New York
June 1, 2007

Herzfeld & Rubin, P.C.

By:

Joseph E. Donat
JOSEPH E. DONAT (JD-4106)
Attorneys for Defendants
HILTON HOTELS
CORPORATION and
HILTON GARDEN INN, INC.
40 Wall Street
New York, New York 10005
(212) 471-8463

TO:

KENNETH J. GLASSMAN, ESQ.
Attorney for Plaintiff
475 Park Avenue South, Suite 700
New York, New York 10016
(212) 213-2510

Index # 105971/07

Purchased/Filed: May 2, 2007

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

State of New York

Supreme Court

New York County

Saikim

Plaintiff

against

Hilton Hotels Corporation, Hilton Garden Inn, Inc.

Defendant

STATE OF NEW YORK)
COUNTY OF ALBANY) SS
CITY OF ALBANY)**DESCRIPTION OF PERSON SERVED:**

Approx. Age: 45 yrs

Weight: 155 Lbs Height: 5'5 Sex: Female Color of skin: White

Hair color: Blonde Other:

Robin Brandow , being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on May 3, 2007 , at 12:00pm , at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons and Complaint

on

Hilton Hotels Corporation

, the

Defendant in this action, by delivering to and leaving with Donna Christie

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section BUSINESS CORPORATION LAW §306 .

FILED

MAY - 8 2007

NEW YORK
COUNTY CLERK'S OFFICE

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

3rd day of May, 2007



FAITH COZZY

NOTARY PUBLIC, State of New York
No. 01CO6158874, Albany County
Commission Expires Jan 8, 2011


Robin Brandow

Invoice•Work Order # 0709744

State of New York - Department of State
Receipt for Service

Receipt #: 200705030211
Date of Service: 05/03/2007
Service Company: 02 ALEXANDER POOLE & CO., INC. - 02

Cash #: 200705030197
Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS
CORPORATION LAW

Party Served: HILTON HOTELS CORPORATION

Plaintiff/Petitioner:
KIM, SAI

Service of Process Address:
C/O UNITED STATES CORPORATION COMPANY
80 STATE STREET
ALBANY, NY 12207

Secretary of State
By DONNA CHRISTIE

DOJ-124 (3/10/06)

DEPARTMENT OF STATE
UNIFORM COMMERCIAL CODE
41 STATE STREET
ALBANY, NY 12231-0001

C/O UNITED STATES CORPORATION COMPANY
 80 STATE STREET
 ALBANY, NY 12207



Receipt # 200705030211

COMPLETE THIS SECTION ON DELIVERY
 A. Signature / Address or Appt.X B. Requested By: *(Please Print Clearly)*7111 5495 5543 1541 5758
 RETURN RECEIPT REQUESTED

Article Addressed To:

HILTON HOTELS CORPORATION
 C/O UNITED STATES CORPORATION COMPANY
 80 STATE STREET
 ALBANY, NY 12207

D. Addressed to's Address: *(If Different from Address listed by Sender)*Stationary Address / Suite / Apt. / Floor *(Please Print Clearly)*

Delivery Address	City _____	State _____	ZIP / I.C. Code _____
------------------	------------	-------------	-----------------------

